

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

Bail Appl..No. 4418 of 2007()

CRIME NO.28/07 OF THE KUNNAMANGALAM EXCISE RANGE

PETITIONER : ACCUSED:

RAMANI, AGED 40 YEARS,
W/O.VELAYUDHAN, KOLLELATHU HOUSE,
CHETHUKADAVU, KUNNAMANGALAM AMSOM, KOZHIKODE TALUK

BY ADV. SRI.JACOB ABRAHAM
SMT.KOCHUMOL KODUVATH

RESPONDENTS:

EXCISE INSPECTOR, KUNNAMANGALAM EXCISE
RANGE, KOZHIKODE DISTRICT, THROUGH PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. P. RAVINDRA BABU

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20/07/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A.No. 4418 of 2007

Dated this the 20th day of July, 2007

ORDER

Application for anticipatory bail. The petitioner, a woman, was allegedly found to be in possession of 3 litres of arrack when the offence was detected by the Excise officials. As the party did not consist of a lady officer the petitioner was not arrested. The petitioner apprehends imminent arrest. The learned counsel for the petitioner prays that anticipatory bail may be granted to the petitioner.

2. The learned Prosecutor opposes the application. In the wake of opposition by the Public Prosecutor even regular bail can be granted to the petitioner only if this court is in a position to entertain both the satisfactions contemplated under Section 41A of the Kerala Abkari Act. In the facts and circumstances of this case, I am unable to entertain either of those satisfactions. I am satisfied that this is not a fit case where the extra ordinary equitable discretion under Section 438 Cr.P.C. can or deserves to be invoked in favour of the petitioner. The petitioner must appear before the Investigator or the

learned Magistrate having jurisdiction and then seek regular bail in the regular and ordinary course.

5. This application is hence dismissed. Needless to say, if the petitioner surrenders before the Investigating Officer or the learned Magistrate having jurisdiction and applies for regular bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously.

(R. BASANT)
Judge

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